Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1.-2.   Cancelled.

3.   (Currently Amended) A method for operating a CDMA user device comprising:

establishing a <u>packet data</u> communication session with ~~at least one base station~~ <u>a network</u>, the <u>packet data</u> communication session <u>being established in accordance with a protocol architecture</u> comprising a plurality of layers including a physical layer;

<u>facilitating use by a CDMA transceiver of the CDMA user device of a data traffic channel and a control channel associated with the packet data communication session</u> ~~negotiating a service configuration with the at least one base station, the user device receiving at least one assigned subchannel from the at least one base station;~~

<u>transmitting information indicative of a data rate associated with the data traffic channel on the control channel, wherein the control channel is not adapted to carry voice or data traffic;</u>~~establishing a physical layer connection with the at least one base station on the at least one assigned subchannel, the physical layer connection corresponding to the physical layer;~~

~~releasing the at least one assigned subchannel so that the physical layer connection is terminated;~~ and

maintaining a state of at least one ~~other layer during the communication session after termination of the physical layer~~ <u>of the plurality of</u>

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protocol layers above the physical layer during the packet data communication
session after the data traffic channel has been released.

4.-36. Cancelled.

37.   (New) The method of claim 3, wherein the control channel is
transmitted to a base station in the network.

38.   (New) The method of claim 3, wherein the CDMA transceiver is
operable to simultaneously transmit the data traffic channel and the control
channel to a base station in the network.

39.   (New) The method of claim 3, wherein the data traffic channel carries
voice information to a base station in the network.

40.   (New) The method of claim 3, wherein the data traffic channel and
control channel are encoded with corresponding spreading codes.

41.   (New) The method of claim 3, wherein the data rate varies over time.

42.   (New) The method of claim 3, wherein the data traffic channel and the
control channel operate within a 1.25 MHz bandwidth.

43.   (New) The method of claim 3, wherein the plurality of protocol layers
includes an application layer.

44.   (New) The method of claim 3 further comprising deciding to request

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the data traffic channel based on a priority of service of packet data.

45.   (New) The CDMA user device of claim 3 further comprising deciding to request the data traffic channel based on an estimated data rate desired to transmit packet data.